

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Edward L. Jenner et al.

Serial No.: 10/689,423

Filed: October 20, 2003

Title: "System for Estimating
Azimuthal Variations in
Seismic Data"

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Group Art Unit: 3663

Examiner: N/A

Confirmation No.: 2792

Atty. Docket No.: IO-1095D1

Office of Initial Patent Examination's
Filing Receipt Corrections
Commissioner for Patents
Alexandria, Virginia 22313-1450

REQUEST TO CORRECT ERRORS TO THE FILING RECEIPT

AND

REQUEST FOR REFUND UNDER CFR § 1.26

There are three errors on the Filing Receipt in the instant application. The errors are: 1) the Total Number of Claims, 2) the Independent Claims and 3) the Filing Fee Received.

1) The total number of claims in the instant application are only those claims included in the Preliminary Amendment of this Divisional Application. The total number of claims in the Preliminary Amendment is 47 claims, not 67 as shown in the Filing Receipt.

2) The total number of independent claims in the instant application are only those claims included in the Preliminary Amendment of this Divisional Application. The total number of independent claims in the Preliminary Amendment is 4 claims, not 15 as shown in the Filing Receipt. Claims 1, 40, 53 and 63 are independent claims.

3) The filing fee for the instant application should be corrected to be \$1342.00, not \$2648.00 as shown on the Filing Receipt. The correct fee includes the \$770.00 basic filing fee, the extra claims fees of \$572.00 for 4 independent claims and 47 total claims (\$86 for one extra independent claim and \$486 for 27 extra claims), which total should be \$1342.00. Accordingly, a credit of \$1306.00 should be made to Deposit Account 130010 (IO-1095D1).

As evidence of the claims status for the instant application, only the claims listed in the Preliminary Amendment can be part of this Divisional Application under the Revised Amendment Practice of 37 CFR 1.121. Revised CFR 1.121 clearly cancels claims not included in the Preliminary Amendment to this application whether they could have even been construed as pending or not. Claims 7 through 26 are not listed in the Preliminary Amendment and so can not be part of the instant Divisional Patent Application.

The Revised Amendment Practice for CFR 1.121, which was effective July 30, 2003, noted that:

STRICT COMPLIANCE WITH THE REVISED 37 CFR 1.121 IS REQUIRED AS OF THE EFFECTIVE DATE (July 30, 2003). [Emphasis in the original.]

The amendment has been accepted; therefore the instant Preliminary Amendment strictly complies with Revised 37 CFR 1.121.

As stated in Revised CFR 1.121 (II)

A) Amendments to the claims: Each amendment document that includes a change to an existing claim, cancellation of a claim or submission of a new claim, **must include a complete listing** of all claims in the application. [Emphasis in the original.]

The Preliminary Amendment of the instant application includes a complete listing of all claims in the application.

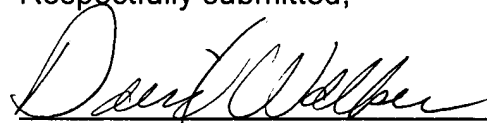
Revised CFR 1.121 (II)(A) goes on to state for **Amendments to the claims:**
The claims in the listing will replace all prior claims in the application.
[Emphasis added]. Therefore, while claims 7 through 26 should never have been considered pending in the application, had they been pending in the application, the non-inclusion of claims 7-26 in the Preliminary Amendment would have effectively cancelled them under Revised CFR 1.121, thereby obviating their inclusion in the filing fees determination.

Please change your records and issue a new filing receipt to reflect the correct number of total claims in the application as 47, the number of independent claims as 4, the total filing fee as \$1342.00.

Please credit Deposit Account 130010 (IO-1095D1) in the amount of \$1306.00.

No fee is believed to be due for this petition. Please charge any fee if required or apply any credit, for the filing of this petition to Deposit Account No. 13-0010 (IO-1095D1).

Respectfully submitted,

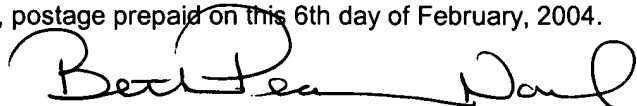


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Date: February 6, 2004

CERTIFICATE OF MAILING

I hereby certify that this paper, along with any referred to as being attached or enclosed, is being forwarded to the Commissioner of Patent and Trademarks, Washington, DC 20231, via the United States Postal Service, first class mail, postage prepaid on this 6th day of February, 2004.



Beth Pearson-Naul



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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/689,423	10/20/2003	3663	2648 1342	IO-1095-D1	7	67 47	45 4

CONFIRMATION NO. 2792

FILING RECEIPT



OC000000011778174

24923
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Date Mailed: 01/29/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Edward L. Jenner, Residence Not Provided;
 Martin C. Williams, Residence Not Provided;

Domestic Priority data as claimed by applicant

This application is a DIV of 09/855,925 05/15/2001 PAT 6,681,184

Foreign Applications

If Required, Foreign Filing License Granted: 01/28/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

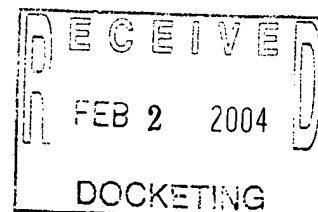
Non-Publication Request: No

Early Publication Request: No

Title

System for estimating azimuthal variations in seismic data

Preliminary Class



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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